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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARIA MAGDALENA MENDOZA,

Defendant.

Case No. 2:20-cr-00212-GMN-BMW

Stipulation for Protective Order

It is stipulated and agreed between the parties, Nicholas A. Trutanich, United States Attorney for the District of Nevada, Simon F. Kung, Assistant United States Attorney, and Defendant Maria Magdalena Mendoza, and her counsel, Assistant Federal Public Defender Kathryn C. Newman, that this Court issue an Order protecting from disclosure to unauthorized parties any discovery documents containing personally-identifying information (“PII”), such as the Social Security numbers, driver’s license numbers, dates of birth, or addresses, of participants, witnesses and victims in this case. Such documents shall be referred to hereinafter as “Protected Documents.” The parties state as follows:

1. The charges in this case are based in part on allegations that the defendant unlawfully accessed, obtained, and used the PII of a number of individuals. The discovery in this case consists of tens of thousands of pages of content in total and contains a

1 large amount of PII. Sufficiently redacting the PII of victims would be prohibitively
2 time-consuming and would prevent the United States from making discovery available
3 timely to the defense.

4 2. The United States agrees to provide the entirety of the Protected
5 Documents to defense counsel without redacting the personal identifiers of participants,
6 witnesses, and victims, or any other PII contained therein.

7 3. Defense counsel agrees to review the Protected Documents and determine
8 which are potentially relevant to the defense in this case. Defense counsel further agrees that
9 copies of the Protected Documents will not be provided to the defendant absent further
10 order of this Court, although the defendant may review them in defense counsel's presence
11 and under defense counsel's supervision.

12 4. Depending on the volume of Protected Documents which are determined to
13 be relevant, the parties will then: 1) provide the defendant with a volume of segregated
14 documents which do not contain PII, 2) the government will redact any PII before
15 providing the documents if they are not segregated, up to 1,000 pages of documents; if
16 Defense counsel intends to designate more than 1,000 pages of documents as relevant, the
17 parties shall meet and confer to narrow the scope of relevant documents. If the parties are
18 unable to reach a resolution the parties shall come back before the Court seeking a
19 protective order to preclude the defendant's unauthorized use, copying, or disclosure of the
20 non-redacted Protected Documents prior to providing them. No later than 30 days before
21 trial, the government shall make a good-faith effort to identify an initial set of documents
22 that it intends to use during its case-in-chief. Defense counsel may designate the identified
23 documents for redaction pursuant to this Protective Order. This paragraph shall have no
24 bearing on the admissibility of exhibits at trial.

1 5. Access to Protected Documents will be restricted to persons authorized herein
2 by the Court (“authorized persons”), namely, the attorney(s) of record and those attorneys’
3 paralegals, support staff, investigators, experts, IT staff, contractors, vendors, and copy
4 centers employed by the attorney(s) of record.

5 6. The following restrictions will be placed on defendant’s attorney(s) and the
6 above-designated individuals unless and until further ordered by the Court. The above-
7 designated individuals shall:

8 a. Not make copies of the Protected Documents for, or knowingly allow
9 copies of any kind of the Protected Documents be made for, any person that is not an
10 authorized person, and take reasonable steps to protect against allowing copies of any kind
11 of the Protected Documents to be made for any person that is not an authorized person;

12 b. Not knowingly allow any other person to read the Protected
13 Documents and take reasonable steps to prevent any person that is not an authorized person
14 from reading the Protected Documents; and,

15 c. Not use the Protected Documents for any other purpose other than
16 preparing to defend against the charges in the above-captioned case.

17 7. Defendant’s attorney(s) shall inform any person to whom they disclose the
18 Protected Documents, or to whom they know the defendant has disclosed the Protected
19 Documents, of the existence and terms of this Court’s order. Further, the defendant’s
20 attorney(s) shall take reasonable measures to inform any person to whom disclosure may be
21 made pursuant to this Court’s order of the existence and terms of this order.

22 8. The restrictions shall not restrict the use of the Protected Documents during
23 the trial or during other judicial proceedings in this matter.
24

9. By the date of sentencing in this matter, or seven days after acquittal, whatever the case may be, defense counsel shall direct all other authorized persons, or others defense counsel has reason to believe have obtained copies of the documents, to return copies of Protected Documents to defense counsel's office.

10. At the conclusion of this action, defense counsel shall return to government counsel or destroy all copies of Protected Documents in defense counsel's possession, including any copies of the Protected Documents previously in the possession of all authorized persons and returned to defense counsel. This action will be deemed concluded after the completion of the final appeal in this matter, or if no appeal was filed, then at the expiration of the statute of limitations for the filing of any final appeal of any matter, including collateral review.

Respectfully submitted,

For the United States:

NICHOLAS A. TRUTANICH
United States Attorney

/s/

SIMON F. KUNG
Assistant United States Attorney

For the Defense:

RENE L. VALLADARES
Federal Public Defender

/s/

Kathryn C. Newman
Assistant Federal Public Defender
Attorney for MARIA MENDOZA

IT IS ORDERED that ECF No. 20 is GRANTED.

IT IS FURTHER ORDERED that ECF No. 15 is DENIED as moot.

IT IS FURTHER ORDERED that the hearing set for 10/9/2020 is VACATED.

IT IS SO ORDERED

DATED: 11:56 am, October 08, 2020



**BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE**